

AMENDED IN SENATE AUGUST 19, 2010
AMENDED IN SENATE JULY 15, 2010
AMENDED IN SENATE JUNE 22, 2010
AMENDED IN SENATE JUNE 10, 2010
AMENDED IN SENATE MAY 19, 2010
AMENDED IN SENATE MARCH 8, 2010
AMENDED IN SENATE AUGUST 25, 2009
AMENDED IN SENATE JULY 23, 2009
AMENDED IN SENATE JULY 14, 2009
AMENDED IN SENATE JUNE 23, 2009
AMENDED IN SENATE JUNE 11, 2009
AMENDED IN ASSEMBLY MARCH 24, 2009
AMENDED IN ASSEMBLY FEBRUARY 10, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 33

Introduced by Assembly Members Nava and Cook

December 1, 2008

An act to amend Section 14202 of, and to add Section 13519.07 to, the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 33, as amended, Nava. Child abduction: sex offender identification.

Existing law requires *that* the Attorney General establish and maintain within the Violent Crime Information Center an investigative support unit to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults.

This bill would require the investigative support unit to make available, within 2 hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based on the method of operation, if available, of the sex offenders or the specified geographical location from which the child was taken.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement training for peace officers relative to certain areas of criminal law or procedure.

This bill would require the department to make accessible to law enforcement agencies, via a department bulletin and the California Law Enforcement–~~Telecommunications System~~ *Web*, the commission's "Guidelines For Handling Missing Persons Investigations" or any subsequent similar guidelines created by the commission, relating to the investigation of missing persons.

The bill would also require law enforcement agencies, by January 1, 2012, to adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of ~~an~~ *a missing person* investigation; to adopt a policy, regulations, or guidelines on missing persons investigations that are consistent with state and federal law; and to utilize the department's missing person reporting form for the initial contact with the parent or family member reporting a missing person. Because the bill would impose new duties on local agencies with respect to missing person investigations, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to encourage
2 law enforcement agencies to obtain and utilize the list, created
3 pursuant to Section 14202 of the Penal Code, of registered sex
4 offenders from the Violent Crime Information Center in the event
5 of a reported stranger abduction of a child.

6 SEC. 2. Section 13519.07 is added to the Penal Code, to read:
7 ~~13519.07. (a) The Legislature suggests that each law~~
8 ~~enforcement agency adopt, promulgate, and offer training that is~~
9 ~~consistent with state and federal law and with the agency's specific~~
10 ~~policy regarding missing children and the reporting of missing~~
11 ~~children.~~

12 ~~(b)~~

13 *13519.07. (a)* The Department of Justice shall make accessible
14 to law enforcement agencies, via a department bulletin and the
15 California Law Enforcement Telecommunications System Web,
16 the commission's "Guidelines For Handling Missing Persons
17 Investigations" or any subsequent similar guidelines created by
18 the commission, relating to the investigation of missing persons.

19 ~~(e)~~

20 *(b)* By January 1, 2012, law enforcement agencies shall adopt
21 a checklist document directing peace officers on investigation
22 guidelines and resources available to them in the early hours of ~~an~~
23 *a missing person* investigation. The commission's "Guidelines
24 For Handling Missing Persons Investigations" should be used as
25 a model policy or example in developing the checklist document.

26 ~~(d)~~

27 *(c)* By January 1, 2012, law enforcement agencies shall adopt
28 a policy, regulations, or guidelines on missing persons
29 investigations that are consistent with state and federal law. The
30 commission's "Guidelines For Handling Missing Persons
31 Investigations" should be used as a model policy or example in
32 developing the policy, regulations, or guidelines.

33 ~~(e)~~

1 (d) By January 1, 2012, law enforcement agencies shall utilize,
2 *at a minimum*, the department's missing person reporting form, ~~at~~
3 ~~a minimum~~ for the initial contact with the parent or family member
4 reporting a missing person.

5 (f)

6 (e) As necessary and appropriate, the commission shall modify
7 its missing persons investigations guidelines and curriculum with
8 contemporary information. Specifically, the commission should
9 consider including and revising their guidelines to include both of
10 the following:

11 (1) Steps for law enforcement agencies in the first few hours
12 after the reporting of a missing person.

13 (2) Information on the availability of the department task forces,
14 the SAFE Task Force Regional Teams, and other entities that can
15 assist in the search for a missing person.

16 SEC. 3. Section 14202 of the Penal Code is amended to read:

17 14202. (a) The Attorney General shall establish and maintain
18 within the center an investigative support unit and an automated
19 violent crime method of operation system to facilitate the
20 identification and apprehension of persons responsible for murder,
21 kidnap, including parental abduction, false imprisonment, or sexual
22 assault. This unit shall be responsible for identifying perpetrators
23 of violent felonies collected from the center and analyzing and
24 comparing data on missing persons in order to determine possible
25 leads which could assist local law enforcement agencies. This unit
26 shall only release information about active investigations by police
27 and sheriffs' departments to local law enforcement agencies.

28 (b) The Attorney General shall make available to the
29 investigative support unit files organized by category of offender
30 or victim and shall seek information from other files as needed by
31 the unit. This set of files may include, among others, the following:

32 (1) Missing or unidentified, deceased persons' dental files filed
33 pursuant to this title, Section 27521 of the Government Code, or
34 Section 102870 of the Health and Safety Code.

35 (2) Child abuse reports filed pursuant to Section 11169.

36 (3) Sex offender registration files maintained pursuant to Section
37 290.

38 (4) State summary criminal history information maintained
39 pursuant to Section 11105.

1 (5) Information obtained pursuant to the parent locator service
2 maintained pursuant to Section 11478.1 of the Welfare and
3 Institutions Code.

4 (6) Information furnished to the Department of Justice pursuant
5 to Section 11107.

6 (7) Other Attorney General's office files as requested by the
7 investigative support unit.

8 (c) The investigative support unit shall make available, within
9 two hours of a reported stranger abduction of a child, a list of
10 persons required to register as sex offenders based upon the modus
11 operandi, if available, or the specified geographical location from
12 which the child was abducted.

13 SEC. 4. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.